



PUBLIC NOTICE

Federal Communications Commission
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DA 03-866

RELEASED:

March 24, 2003

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON JOINT PETITION OF
MCI WORLD COM COMMUNICATIONS, INC., BROOKS FIBER
COMMUNICATIONS OF NEW YORK, INC., AND VERIZON NEW YORK INC. FOR
PREEMPTION OF THE JURISDICTION OF THE NEW YORK PUBLIC SERVICE
COMMISSION PURSUANT TO SECTION 252(e)(5)
OF THE COMMUNICATIONS ACT**

WC DOCKET NO. 03-81

Comments: April 8, 2003
Reply Comments: April 15, 2003

On March 20, 2003, MCI WorldCom Communications, Inc. f/k/a MFS Intelenet of New York (MFS), Brooks Fiber Communications of New York, Inc. (Brooks Fiber), and Verizon New York Inc. (Verizon) filed a joint petition, pursuant to section 252(e)(5) of the Communications Act of 1934, as amended (the Act) and section 51.803 of the Commission's rules.¹ In the petition, MFS, Brooks Fiber, and Verizon request that the Commission preempt the jurisdiction of the New York Public Service Commission to interpret and enforce interconnection agreements between Verizon and each of MFS and Brooks Fiber regarding the effect of the Commission's *ISP Remand Order*² on provisions requiring payment of reciprocal compensation and provisions allowing for amendment of interconnection agreements upon a change of law. MFS, Brooks Fiber, and Verizon request expedited treatment of their joint preemption petition.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules. 47 C.F.R. § 1.1206(b).

¹ See 47 U.S.C. § 252(e)(5); 47 C.F.R. § 51.803

Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Intercarrier Compensation for ISP-Bound Traffic, CC Docket No. 96-98, Order on Remand and Report and Order, 16 FCC Rcd 9151 (2001) (*ISP Remand Order*) (subsequent history omitted).

FILING PROCEDURES

Interested parties may file comments on the Petition on or before **April 8, 2003** and reply comments on or before **April 15, 2003**. Parties who choose to file by paper must file an original plus four (4) copies addressed to Marlene H. Dortch, Secretary, Federal Communications Commission, **445 12th Street, SW, Room TW-B204, Washington, DC 20554**. A courtesy copy should be addressed to Chief, Pricing Policy Division, Wireline Competition Bureau, **445 12th Street, SW, Room 5-A225, Washington, DC 20554**. A courtesy copy should also be addressed to Qualex International, Portals II, **445 12th Street, SW, Room CY-B402, Washington, DC, 20554**, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail **qualerint@aol.com**.

Comments may be filed using the Commission's Electronic Comment Filing System ("ECFS") or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to: <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the docket number of this proceeding. Only one copy of an electronic submission must be filed. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message: "get form<your e-mail address>." A sample form and directions will be sent in reply.

Paper copies can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail:

If you are sending this type of document or using this delivery method -- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to: Vistrionix, Inc., 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 (8:00 a.m. to 7:00 p.m.). All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

If you are sending this type of document or using this delivery method -- Other messenger-delivered documents, including documents sent by commercial overnight mail (other than United States Postal Service Express Mail and Priority Mail) must be sent to: 9300 East Liampton Drive, Capitol Heights, MD 20743 (8:00 a.m. to 5:30 p.m.).

If you are sending this type of document or using this delivery method -- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be sent to: 445 12th Street, SW, Washington, DC 20554.

The following chart summarizes this information:

TYPE OF DELIVERY	PROPER DELIVERY ADDRESS
	Suite 110. Washington, DC 20002 (Weekdays - 8:00 a.m. to 7:00 p.m.)
Messenger-delivered documents (e.g., Federal Express) including documents sent by overnight mail (this type excludes USPS Express and Priority Mail)	9300 East Hampton Drive. Capitol Heights. MD 20743 (Weekdays - 8:00 a.m. to 5:30 p.m.)
USPS First-class, Express. and Priority Mail	445 12 th Street. SW Washington. DC 20554

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center. Portals 11. 445 12th Street. SW, Room CY-A257, Washington, DC. 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals 11. 445 12th Street. SW, Room CY-B402. Washington. DC. 20554. telephone 202-863-2893. facsimile 202-863-2898. or via e-mail qualex@frc.com.

For further information regarding this proceeding contact Kathleen O'Neill, koneill@fcc.gov, (202) 418-7266. or Margaret Dailey, midailey@fcc.gov, (202) 418-2396. Pricing Policy Division, Wireline Competition Bureau.

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